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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/692,174

10/23/2003

Benjamin N. Eldridge

P47C2-US

8347

50905 7590 02/27/2007
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EXAMINER

ABRAMS, NEIL

ART UNIT

PAPER NUMBER

2839

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/692,174

Applicant(s)

ELDRIDGE

Examiner

Neil Abrams

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26, 33, 35, 36, 41, 42, 48, 73-85, 87, 89-92, 94-104 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26, 33, 35, 36, 41, 42, 48, 73-85, 87, 89-92, 94-104 (all pending) is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2-6-07 are: a) ☒ accepted or b) ☐ objected to by the Examiner [Replacement sheet]
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

1. Claims 100-104 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
2. The claimed recitation of "spring that does not ...alloy" is without basic in disclosure as filed.
3. It present the basis should be pointed out. The statement in Remarks, page 10, and lines 24-28 does not point out proper basis for the limitation of absence of the alloy in the body.
4. Claims 26, 33, 36, 41, 42, 48, 73-85, 87, 89-92, 94-104 (all pending claims) are rejected under 35 U.S.C. 103(a) as being unpatentable over Faraci in view of Fjelsted, Abys, Yanof and Littlebery.
5. See discussion in last office action.
6. Claims 26, 33, 36, 41, 42, 73-85, 87, 98-92, 94-104 (all pending claims) are rejected under 35 U.S.C. 103(a) as being unpatentable over Beaman (982) in view of Fjelstad, Abys, Yanof and Littebury.
7. See discussion in last office action.
8. Applicant's arguments filed with the amendment have been fully considered but they are not persuasive. See response to argument in last office action, paragraph 3. Basically Yanof, Littebury and Faraci disclose use of palladium for probe type with

Fjelsted referring to use of palladium alloys, column 3, and lines 60-65. While Littlebury and Yanof only mention palladium it is believed that they are inherently disclosing use of its alloy since it is believed that the material is typically used in alloy form rather than in pure form. The patents suggest use of palladium or its alloy for a probe tip. The selection of a specific palladium alloy, with no allegation of a new result produced by such choice does not avoid the rejection. Abys is not essential to the rejection, but is applied only for teaching that palladium cobalt is useful in electrical contacts hence is seen to suggest that alloy for consideration as proper material for other electrical contacts. As to argument on paper 12, lines 15-29, while advantage need not be disclosed, the use of a specific palladium alloy that does not appear to produce any new result over the prior art palladium and palladium alloy uses does not provide basis for patentability. Basically, since Fjelstad, taken with the other secondary references, suggests palladium or one of its alloys for contact tip material and one of the known alloys is palladium cobalt, the use of that material for the main reference contact tips should be found an obvious variation. For claims 94, 95, 99, note that no arguments are presented; are there claims at issue?

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 2839

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Neil Abrams at telephone number 571-272-2089


NEIL ABRAMS
PRIMARY EXAMINER